United Nations A/CONF.192/PC/34

General Assembly

Distr.: General
20 March 2001

Original: English

Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
Third session
19-30 March 2001

Note verbale dated 15 March 2001 from the Permanent Mission of Japan to the United Nations addressed to the Secretariat of the United Nations, transmitting the general comments of Japan on the revised draft Programme of Action

The Permanent Mission of Japan to the United Nations presents its compliments to the Secretariat of the United Nations and has the honour to request that the attached general comments of Japan (see annex) on the revised draft Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/PC/L.4/Rev.1) be circulated as an official document of the third session of the Preparatory Committee for the Conference.

01-29569 (E) 210301

Annex

General comments of Japan on the revised draft Programme of Action

1. The Government of Japan wishes to express its sincere appreciation to the Chairman of the Preparatory Committee for preparing in a timely manner the revised draft Programme of Action. It has been made simpler, shorter and more concise without its content having been sacrificed, and it will immensely facilitate the Preparatory Committee's work at its third session.

2. Japan wishes to submit the following general comments on the revised draft, so that they can be taken into account in the deliberations on the final draft, although it will offer more detailed and specific comments and suggestions related to some paragraphs during the meetings of the third session of the Preparatory Committee.

Section I
Preamble

3. As is often mentioned, this section has the character of a political declaration, and can be issued as an independent document. However, Japan prefers to keep this section as the preamble of the Programme of Action, which immediately follows as sections II, III and IV.

4. As a whole, the contents of this section are satisfactory, although some wording may be improved, and the ordering of paragraphs changed. Placing the objectives of the Conference at the end (para. 20) seems to be a sensible way to link this section with the Programme of Action contained in sections II, III and IV.

5. However, Japan wishes to propose that a phrase such as "decided to adopt and implement the following Programme of Action" be added at the end of this section. In this way the entire section becomes complete as a sentence. Also, in this way, paragraph 1 can be dispensed with in sections II, III and IV.

Section II

6. This section is divided into three subsections, namely, various measures at the national, regional and global levels; Japan strongly supports this division. The important thing here is to make clearer that at the national level the actor (or the entity expected to implement the measures of this Programme of Action) is the State, that at the regional level it is regional or subregional organizations and that at the global level it is the United Nations and other relevant international organizations. Towards this end each paragraph should begin with words like "States should ...", "Regional organizations should ...", etc.

7. With respect to the subsection dealing with various measures at the national level, apart from the question of improving the text and reordering paragraphs, Japan hopes that additional paragraphs dealing with minimum export criteria will be included.

8. With respect to the subsection dealing with various measures at the global level, there appears to be some confusion as to the actors expected to implement them. For example, if paragraph 31 is meant to pertain to States, this subject is already covered in paragraph 14. If the actor is the United Nations, as is appropriate

in this subsection, this paragraph should urge the Security Council to make greater efforts to ensure strict implementation of embargoes. Thus, the entire subsection will have to be reviewed carefully from the viewpoint of who are the actors.

Section III

9. Japan wishes to suggest that the title and contents of this section be re-examined.

10. The word "implementation" appears in the title here, instead of in section IV as was the case in the previous draft. However, implementation is essentially a part of the follow-up process to be covered in section IV. Perhaps the rationale for including "implementation" here in section III is provided in paragraph 6, where assistance for capacity-building in order to facilitate implementation is recommended. There is no doubt that there are regions, subregions and States that need such assistance in order to be able to implement many of the recommended measures. However, this is essentially a matter relating to "international assistance and cooperation". Therefore, "implementation" can be dropped from the title of this section, and restored to section IV if necessary.

11. Then, it should be kept in mind that there are two types of "international cooperation", namely (a) cooperation that applies to all measures recommended in section II, which can be more effectively implemented through bilateral, subregional or regional cooperation rather than by States alone, and (b) cooperation that can be characterized as "international assistance" involving financial and technical support. The first type of cooperation should be incorporated into section II as much as possible, which is already the case in the revised draft, while the second type should be enumerated in section III. In this way, section II would become a set of measures recommended to all States, regional and international organizations, while section III would become a set of measures related to international assistance where only those competent and willing international and regional organizations as well as States would offer the needed assistance to those States, subregions and regions requesting such assistance.

12. For example, the regional network of information-sharing and cooperation among police, customs, border control and other law enforcement agencies can appear in section II because such international cooperation should be recommended on a universal basis. However, when it comes to subregions where such a network for information-sharing and cooperation among law enforcement agencies cannot be well developed without external financial and technical assistance, such assistance should be mentioned in section III. In other words, section II can focus on the programme of action or guidelines applicable to all actors, while section III can focus on the programme of action applicable to those needy and willing actors, which, as was stressed in the Bamako and Brasilia declarations, is no less important.

13. From the above point of view, paragraphs 7, 9, 10, 11, 12 and 13 in section III can be moved to section II, although most of them are already covered there.

14. Consequently, Japan wishes to suggest that the title of this section should be altered to "International assistance (including assistance cooperation)", and that the contents of this section should be modified accordingly.

15. In this connection, it should be recalled that Japan has already made a proposal on this section, in its working paper of 12 January 2001 (A/CONF.192/PC/27).

Some new paragraphs dealing with the question of capacity-building and regional networks for information-sharing and cooperation may have to be added there, but Japan believes that the working paper can serve as a good example in reformulating this section.

Section IV

16. [The chapeaux of] paragraphs 1 and 2 should be deleted, as noted above (subparagraphs (a) and (b) would have to begin, "The United Nations should convene ...", and subparagraphs (c) and (d) would have to begin, "States are encouraged to ..."). Subparagraphs (a), (b), (c) and (d) of paragraph 1 appear to be the only substantial measures for follow-up as far as this revised draft is concerned. It is possible that some other concrete measures may be added, for example by expanding paragraph 32 of section II, or by stressing the need for developing and strengthening the global and regional frameworks for "international assistance". However, the contents of this section will be determined largely by what is agreed upon in sections II and III, and how much more the States participating in the Conference are willing to agree upon as follow-up measures.

15 March 2001